

#10793

AGREEMENT

Made this 27<sup>th</sup> day of February, 2002 by and between Han C. Kim, t/a Good and Plenty Carryout, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 38 N Street, SE, Washington, DC, ABC Application # 10793, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever they are observed outside the establishment; and,
  - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
  - e. keeping a written record of dates and times when the MPD is called for assistance; and,
  - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
  - b. sweeping the outside of the establishment on a daily basis, or more often if needed.

3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") [pint and half-pint containers of liquor - for Class A licenses] only in clear or translucent plastic bags.
7. Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].
8. Applicant will sell goods which reflect the community's needs -- including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
9. Applicant agrees to stop the sale of singles when all other establishments within a [X] block radius agree to the same.
10. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By:

*Sam E Kim*  
*for Good and Plenty Caravan*

By:

*Kenan Jarboe*  
*Chair ANC 6B*  
*Kenan Jarboe*

AGREEMENT

Made this 22<sup>nd</sup> day of February, 2002 by and between Han C. Kim, t/a Good and Plenty Carryout, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC)

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 38 N Street, SE, Washington, DC, ABC Application # 10793, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever they are observed outside the establishment, and,
  - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
  - e. keeping a written record of dates and times when the MPD is called for assistance; and,
  - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
  - b. sweeping the outside of the establishment on a daily basis, or more often if needed.

3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") [pint and half-pint containers of liquor - for Class A licenses] only in clear or translucent plastic bags.
7. Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].
8. Applicant will sell goods which reflect the community's needs - including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
9. Applicant agrees to stop the sale of singles when all other establishments within a [X] block radius agree to the same.
10. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC: 613:

By: Han C Kim  
for Good and Plenty Carryout

By: Kenan Jarke  
Chair ANC 613  
Kenan Jarke

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Han C. Kim

t/a Good and Plenty Carryout

Application for a Retailer's Class

B License (renewal)

at premises

38 N Street, S.E.

Washington, D.C. 20003

Case no. 10793-673-02/052P  
2002-80

James D. Berry, Jr., Chairperson, on behalf of Advisory Neighborhood Commission 5C,  
Protestant

Han C. Kim, Applicant

**BEFORE:** Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Charles Burger, Member  
Laurie Collins, Member  
Ellen Oppenheimer, Esquire, Member  
Audrey E. Thompson, Member

**ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST**

The application, having been protested, came before the Board on March 13, 2002, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Kenan P. Jarboe, Chairperson, on behalf of Advisory Neighborhood Commission 6B, filed opposition in a timely manner.


The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated February 27, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Han C. Kim  
t/a Good and Plenty Carryout  
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Accordingly, it is this 24<sup>th</sup> day of April 2002, **ORDERED** that:

1. The opposition of James D. Berry, Jr., Chairperson, on behalf of the Advisory Neighborhood Commission 6B, is **WITHDRAWN**;
2. The application of Han C. Kim t/a Good and Plenty Carryout for a retailer's class B license (renewal) located at 38 N Street, N.E., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

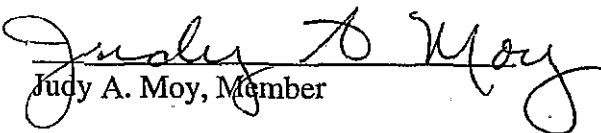
District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Charles Burger, Member

  
Laurie Collins, Member

  
Judy A. Moy, Member

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Ellen Oppenheimer, Esquire, Member

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Audrey E. Thompson, Member